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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,627	12/21/2000	Robert Cohen	41436/DMC/C702	1115

23363 7590 10/06/2003
CHRISTIE, PARKER & HALE, LLP
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EXAMINER

HOTALING, JOHN M

ART UNIT PAPER NUMBER

3713

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,627

Applicant(s)

COHEN, ROBERT

Examiner

John M Hotaling II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 7.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 14, 18, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miles et al US Patent 6,102,406 in view of Walker et al US Patent 6,224,486. Miles discloses all of the instant application with the exception of associating points to a difference between the end time and start time between a clue and an answer. Instead Miles discloses that constraints can be placed on the game in terms of its duration (15:58-65). Miles goes on to disclose the use of clues, prizes and awards in column 4. Column 9 discloses a hosting resource such as a game site where a player can register and provide contact information. Columns 13 and 14 disclose the submitted answers as compared to the answer table (key). The disclosure of Miles that constraints can be placed on the game in terms of its duration is motivation to combine Miles with Walker where it is taught that it is well known to associate points based on a difference in time (2:18-30). Walker column 4 and column 6 lines 1-18 discloses that a player must log on to play the game. Column 7 discloses player info and preferences. Column 15 discloses the registration of a player. Miles and Walker are analogous in that they both are directed to treasure hunt games over the internet. It would have been obvious at the time of the invention to combine the above references since Miles

provides the motivation that constraints can be placed on the game in terms of its duration.

Claims 6-13, 15-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miles et al US Patent 6,102,406 in view of Walker et al US Patent 6,224,486 as applied to the claims above in further view of Forrest et al US Patent 5,679,075. Miles and Walker disclose all of the instant application as disclosed above but lack in disclosing a game agent with a voice and animation presentation. Miles disclose in column 7 lines 10-25 that when a Web page may be a single line or multiple pages of information and may include any message, name, word, sound, or picture or combination of such elements. In an analogous treasure hunt gaming system to Forrest discloses that an audio visual playback system contains Referring to FIG. 1, a multi-media, interactive game system 100 of the present invention includes one or more audio and/or visual playback systems 102, 102' and 102" located within a defined space 104 such as an outdoor area or one or more rooms in a building. The defined space can also include non-specific areas, such as different nodes in a computerized communication network or sites/pages on the Internet or in "cyberspace." The defined space can also be as small as a single room or as large as a multi-state geographic region (e.g., for a treasure hunt-type theme). As explained more fully below, the audio/visual playback systems 102-102" provide teams of players with portions of a story line or narrative and/or directional clues that direct players to one or more puzzles 106 through 126 as explained more thoroughly below. The puzzles 106 through 126 are positioned at predetermined locations within the defined space 104, and can be

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within a separate room 130, behind a curtain 132, or in a room 134 beneath or above a current or main room, which is accessible by, for example, stairs 136. An optional guide 140, such as a computer or a person, provides assistance to the players, and can provide important clues or information after certain puzzles are solved, such as access codes or keys that allow the players to access or re-access portions of the narrative from the audio/visual playback system 102. One of ordinary skill in the art would recognize that these are analogous references in that they are all related to an Internet scavenger hunt type game. One would be motivated to provide an animation of a person with a specific voice and character to provide clues as disclosed by Forrest into the reference of Miles or Walker because all of the references disclose providing clues.

Citation of Pertinent Prior Art

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eggleston et al '660, Maggio '745, Edwards et al '337, Lee '675 are all related to internet games.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7777.

JOHN M. HOTALING, II
PRIMARY EXAMINER

September 29, 2003

